

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:

EDGARDO NICOLAS MARTINEZ PEREZ

Debtors

Case No. 16-05934
Chapter 13

**MOTION REQUESTING THAT DEPARTMENT OF TREASURY'S CLAIM
BE ALLOWED AS A LATE FILED CLAIM**

TO THE HONORABLE COURT:

COMES NOW Debtor, represented by undersigned counsel, and very respectfully alleges and prays as follows:

1. On July 27, 2016, Debtor filed a Voluntary Petition under Chapter 13 of the Bankruptcy Code.

2. On October 10, 2018, Debtor filed Proof of Claim Number 13 on behalf of Department of Treasury. However, the bar dated to file proof of claims for governmental units has elapsed.

3. Department of Treasury's Claim, if allowed, will not unduly prejudice the unsecured creditors since Debtor's Chapter 13 Plan pays 100% plus 4.25% interest. Furthermore, the delay in filing will not impact the judicial proceeding in the above captioned case.

4. Debtor further points out that the claim amount has a priority status and as such is not dischargeable. Therefore, in order for Debtor to obtain the "fresh start" desired, it is in his best interest that Department of Treasury's Claim be allowed.

5. For the reasons stated above, Debtor respectfully requests this Honorable Court to allow the Claims as filed.

WHEREFORE, Debtor respectfully requests this Honorable Court to allow Proof of Claim 13 as late filed claim.

NOTICE: Within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the clerk's office of the United States Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the court, the interest of justice requires otherwise.

CERTIFICATE OF SERVICE, I HEREBY CERTIFY that on this same date, I electronically filed the above document with the Clerk of the Court using the CM/ECF System which will send a notification, upon information and belief, of such filing to the followings: The Chapter 13 Trustee, The United States Trustee and to all the CM/ECF participants of this case.

RESPECTFULLY SUBMITTED

In San Juan, Puerto Rico this 10th day of October, 2018.

/s/ William Rivera Vélez
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